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Attorneys for Non-Party Journalist  
 DANNY FORTSON

IN THE UNITED STATES DISTRICT COURT  
 THE NORTHERN DISTRICT OF CALIFORNIA

|                            |                                      |
|----------------------------|--------------------------------------|
| In re Application of       | ) Case No. 18-mc-80041-LB            |
|                            | ) Assigned to the Hon. Laurel Beeler |
| EURASIAN NATURAL RESOURCES | )                                    |
| CORP., LTD.,               | )                                    |
|                            | ) <b>RESPONSE OF NON-PARTY</b>       |
| Applicant.                 | ) <b>JOURNALIST DANNY FORTSON TO</b> |
|                            | ) <b>MOTION OF DECHERT LLP TO</b>    |
|                            | ) <b>PARTICIPATE IN DISCOVERY;</b>   |
|                            | ) <b>DECLARATION OF DAN LAIDMAN</b>  |
|                            | ) <b>WITH EXHIBIT A</b>              |
|                            | )                                    |
|                            | ) Hearing Date: June 28, 2018        |
|                            | ) Time: 9:30 a.m.                    |
|                            | ) Department: Courtroom C            |

Non-party journalist Danny Fortson respectfully submits this Response to the Motion of Dechert LLP for an order permitting Dechert to appear in this proceeding to participate in discovery. ECF No. 14.

On May 21, 2018, Mr. Fortson served Objections to the Subpoena that he received from Eurasian Natural Resources Corporation Ltd. ("ENRC") on counsel for ENRC and Dechert. *See* Declaration of Dan Laidman, ¶ 2, Exhibit A. Pursuant to this Court's Order of March 30, 2018, the parties are meeting and conferring on Mr. Fortson's Objections, and when that process is complete they will submit a joint letter brief to the Court. ECF No. 9.

1 Mr. Fortson does not oppose Dechert's request to appear in this action for the limited  
2 purpose of participating in the meet-and-confer process and presenting its position on ENRC's  
3 Subpoena and Mr. Fortson's Objections.

4 However, to the extent that Dechert joins in ENRC's discovery requests, and/or seeks  
5 leave to propound any additional discovery, Mr. Fortson opposes the Motion and objects for the  
6 reasons stated in the attached Objections, which he incorporates by reference in this Response.  
7 See Ex. A. Moreover, to the extent that Dechert's Motion could be construed as a request to take  
8 discovery, it also should be denied because Dechert has not complied with the procedural  
9 requirements of 28 U.S.C. § 1782 or Federal Rule of Civil Procedure 45.

10 DATED: June 6, 2018

DAVIS WRIGHT TREMAINE LLP  
THOMAS R. BURKE  
DAN LAIDMAN

13 By: /s/ Thomas R. Burke  
Thomas R. Burke

15 Attorneys for Non-Party Journalist  
DANNY FORTSON

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